

REMARKS

This Response is submitted in response to the Office Action dated April 7, 2003. A Request for Continued Examination ("RCE") is submitted herewith. Claims 1 to 18 and 20 to 33 are pending. Claims 1, 13 to 18, 20 to 24 and 26 have been amended. No new matter has been added through any of these amendments. Claim 19 has been canceled without prejudice or disclaimer. Claims 29 to 33 stand allowed.

A Petition for a one-month extension of time to respond to the Office Action is submitted herewith. A check in the amount of \$1,160.00 is submitted herewith to cover the cost of the two month extension and the RCE. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

The Office Action objected to the drawings under 37 CFR 1.83(a). The Office Action states that the following features are not shown in the drawings:

- a. A table of numbers that designate how many rounds the player has in which to select from the plurality of symbols when said item is assigned to a percentage of symbols in that group.
- b. A step of selecting the number of rounds to be played from a table associated with a percentage of symbols that have an assigned item.

Applicants respectfully disagree, and submit that the current drawings show the above-described features.

Figures 9, 10 and 11 illustrate one embodiment of the present invention, which includes tables of numbers that designate how many rounds the player has in which to select from the plurality of symbols when the item is assigned to a percentage of a group of three symbols. In Figures 9, 10 and 11, the maximum number of rounds that the player can play is four, which in this embodiment is also the number of assignments set forth in each table. In referring to Figure 9, the specification of the application states: "the game, according to table 102, can provide up to four opportunities to the player in which the game assigns an item to one of the symbols" (p. 21, lines 20 to 22). The specification also states:

In table 102, the implementor has predetermined that: (i) in 20% of the games of the present invention, the game will randomly assign an item to one of the symbols only once; (ii) in 25% of the games of the present invention, the game

will randomly assign an item to one of the symbols twice; (iii) in 40% of the games of the present invention, the game will randomly assign an item to one of the symbols three times, and (iv) in 15% of the games of the present invention, the game will randomly assign an item to one of the symbols the maximum of four times.

Figure 10 illustrates the probabilities of assigning an item to two of the symbols in the four rounds or assignments. Figure 11 illustrates the probabilities of assigning an item to all three of the symbols in the four rounds or assignments. The total number of assignments allowed, or the number of rounds the player can play, in the embodiment of the present invention illustrated in Figures 9, 10 and 11 is four. Thus, Figures 9, 10 and 11 illustrate tables that designate how many rounds the player has in which to select from the plurality of symbols when said item is assigned to a percentage of symbols in that group.

Applicants have amended the claims to overcome the Office Action's second objection to the drawings. It is respectfully submitted that the Office Action's objection is now moot, and the respective claims are now in condition for allowance.

The Office Action objected to Claims 14 to 21, and 24. Claims 14 to 18, and 20 to 24 have been amended to further clarify the present invention. Claim 19 has been canceled without prejudice or disclaimer. It is respectfully submitted that the Office Action's objections are now moot, and the respective claims are in condition for allowance.

The Office Action rejected Claims 1, 2, 13 and 22 under 35 U.S.C. § 102(b) as being anticipated by Barrie (GB 2, 144, 644, March 13, 1985).

The Office Action states that Barrie discloses a gaming machine having player selections over multiple rounds. The Office Action further states that Barrie teaches a controller operable with the selection means and the display device to randomly assign an item to at least one, a plurality or all of the plurality of symbols, to enable the player to select one of the symbols in each of the rounds, and to provide an award to the player if the player selects one of the symbols having an assigned item.

Applicants respectfully submit that the Office Action is incorrect. Barrie does not teach the determination to, and the assignment of the item to at least one, a plurality or

all of the plurality of symbols. More specifically, Barrie cannot assign one item to all of the symbols. Barrie expressly discloses:

means for assigning the designated object randomly to one of a plurality of classes. The classes include at least a win class and a lose class.

(Page 1, lines 48 to 52)(emphasis added). Thus, the symbols, as disclosed by Barrie, must have at least a win class and a lose class. Barrie discloses that an item cannot be assigned to all of the symbols because there has to be at least another class. Barrie cannot anticipate the present invention because Barrie does not teach all of the elements of the present invention.

The Office Action rejected Claim 23 under 35 U.S.C. §103(a) as being unpatentable over Barrie.

As described above, Barrie does not disclose assigning an item to all of the symbols. Barrie also does not suggest assigning an item to all of the symbols. Barrie discloses a game that includes a dramatic narration, wherein the dramatic narration follows the well-known story by Frank R. Stockton, "The Lady or the Tiger?" During the game, the player is allowed to select a number of doors which have been assigned to either a win class or a lose class. Barrie teaches that if the player selects a lose class the "Tiger" is displayed and the game terminates. If the player selects a win class the player can continue the game or the "Lady" appears and the player is provided with a prize. The present invention includes the feature of assigning one item to all of the symbols (if it is determined to do so). Barrie teaches away from the present invention because Barrie teaches the need for at least two classes which must be assigned to symbols, otherwise the premise of the game would not be feasible, i.e. following along the "The Lady or the Tiger" story. The present invention is, thus, not obvious in light of Barrie.

The Office Action argues that Barrie describes all of the features of the claims except revealing that all symbols having an assigned item indeed have an assigned item. The Office Action is incorrect. As explained above, Barrie does not suggest all of the features of the symbols having assigned items. Barrie teaches away from the present invention. The claims have been amended to further clarify the present

invention. The present invention includes a determination of whether to assign an item to all of the elements, and assigning the item to all of the symbols (if a favorable determination is made). Barrie teaches away from these elements. Thus, the element disclosed in Claim 23 which depends on independent Claim 13 is not taught or suggested by Barrie.

The Office Action rejected Claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Barrie in view of Demar et al. (U.S. Patent No. 6,203,429).

As explained above, Barrie does not disclose, teach or suggest the present invention. The combination of Barrie and Demar does not correct this deficiency. The combination of Barrie and Demar does not disclose, teach or suggest the determination of whether to assign one item to all of the player selectable symbols, and assigning the item to all of the player selectable symbols. Thus, Barrie and Demar do not disclose, teach or suggest the present invention.

The Office Action rejected Claims 14, 17 and 24 to 28 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Yoseloff et al. (U.S. Patent No. 6,427,208 B2).

As explained above, Barrie does not disclose, teach or suggest the present invention. The combination of Barrie and Yoseloff does not correct this deficiency. The combination of Barrie and Demar does not disclose, teach or suggest the determination to assign one item to all of the player selectable symbols, and assigning the item to all of the player selectable symbols. Thus, Barrie and Yoseloff do not disclose, teach or suggest the present invention.

The Office Action rejected Claims 5 to 10 and 15 to 21 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Demar, as applied to Claim 3 in further view of Yoseloff.

As explained above, Barrie does not disclose, teach or suggest the present invention. The combination of Barrie, Demar and Yoseloff does not correct this deficiency. The combination of Barrie and Demar does not disclose, teach or suggest the determination of whether to assign one item to all of the player selectable symbols,

and assigning the item to all of the player selectable symbols. Thus, Barrie, Demar and Yoseloff do not disclose, teach or suggest the present invention.

More specifically, amended Claim 1 is directed to a gaming device. The gaming device includes a plurality of symbols, a plurality of rounds, means for enabling a player to select one of the symbols in each of the rounds, and a display device operable for displaying the plurality of symbols. The gaming device also includes a controller operable with the selection means and the display device to randomly determine whether to assign an item to at least one, a plurality of or all of the plurality of symbols, and upon the determination being made, to assign the item to one of the symbols, to a plurality of the symbols or to all of the symbols, to enable the player to select one of the symbols in each of the rounds, and to provide an award to the player if the player selects one of the symbols having the assigned item. Barrie, Demar and Yoseloff do not disclose, teach or suggest the controller randomly determining to assign said item to all of the symbols and assigning said item to all of the symbols. Accordingly, it is respectfully submitted that amended Claim 1 is patentably distinguished over Barrie, Demar and Yoseloff and is in condition for allowance. It is also submitted that Claims 2 to 12 which depend from amended Claim 1 are patentably distinguished over Barrie, Demar and Yoseloff, and are in condition for allowance.

Amended Claim 13 is directed to a method for operating a gaming device. The method includes displaying a plurality of symbols on a display device of the gaming device, randomly determining to assign an item to at least one, a plurality of or all of the symbols, and (i) if the random determination is to assign the item to one of the symbols, assigning the item to one of the symbols, (ii) if the random determination is to assign the item to the plurality of symbols, assigning the item to the plurality of symbols, and (iii) if the random determination is to assign the item to all of the symbols, assigning the item to all of the symbols. The method also includes selecting a prize, enabling a player to select a symbol, providing the prize to the player if the player chooses a symbol having the assigned item, and repeating steps (a) to (e) in a plurality of rounds. Barrie, Demar and Yoseloff do not disclose, teach or suggest randomly determining to assign said item to all of the symbols and assigning said item to all of the symbols. Accordingly, it is

respectfully submitted that amended Claim 13 is patentably distinguished over Barrie, Demar and Yoseloff and is in condition for allowance. It is also submitted that Claims 14 to 18, and 20 to 23 which depend from amended Claim 13 are patentably distinguished over Barrie, Demar and Yoseloff, and are in condition for allowance.

Amended Claim 24 is directed to a method for operating a gaming device. The method includes displaying a group of symbols on a display device of said gaming device. The method also includes randomly determining to assign an item to a percentage of the symbols of said group, wherein the percentage includes the item being assigned to at least one, a plurality of or all of the symbols, and (i) if the determination is made to assign the item to one of the symbols, assigning said item to one of said symbols, (ii) if the determination is made to assign the item to the plurality of the symbols, assigning said item to the plurality of said symbols, and (iii) if the determination is made to assign the item to all of the symbols, assigning said item to all of the symbols. The method further includes determining a number of rounds the player plays with the assigned item, and enabling said player to play said number of rounds. Barrie, Demar and Yoseloff do not disclose, teach or suggest randomly determining to assign said item to all of the symbols and assigning said item to all of the symbols. Accordingly, it is respectfully submitted that amended Claim 24 is patentably distinguished over Barrie, Demar and Yoseloff and is in condition for allowance. It is also submitted that Claims 25 and 26 which depend from amended Claim 24 are patentably distinguished over Barrie, Demar and Yoseloff, and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, applicants respectfully request that the Examiner contact the applicants' attorney, Adam Masia, to discuss this Response.

Respectfully submitted,
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BY

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